

REMARKS/ARGUMENTS

In response to the Office Action mailed April 27, 2006, Applicant amends his application and requests reconsideration. In this Amendment non-elected claim 5 is cancelled and no new claims are added so that claims 1-4 are now pending.

The Examiner corrected an inadvertent error in an Information Disclosure Statement that incorrectly identified a non-patent publication that was supplied. Applicant thanks the Examiner for this correction.

In this Amendment examined independent claims 1 and 3 are amended. Amended claim 1 is supported by the embodiments of the invention described in the patent application with respect to Figures 6-8, 11, and 12. Amended claim 3 is supported by the embodiments of the invention described and illustrated with respect to Figures 6, 11, and 12.

Examined claims 1 and 2 were rejected as anticipated by Nojima (Published U.S. Patent Application 2004/0001247). This rejection is respectfully traversed with respect to the claims now pending.

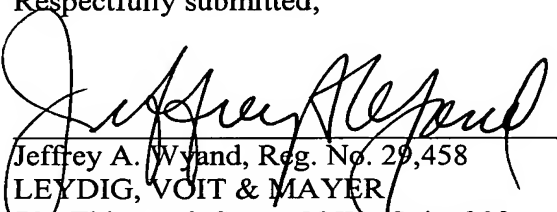
While the application of Nojima to examined claims 1 and 2 is clearly explained in the Office Action, Nojima cannot anticipate any claim now pending. Claim 1 cannot be anticipated by Nojima because Nojima does not describe the four port, optical splitter/coupler arrangement of amended claim 1, for example, as shown in the embodiments of Figures 6-8, 11, and 12 of the patent application. In Nojima, the optical phase adjusting unit is not located as is the phase control unit described in amended claim 1. As explained in the patent application, for example, at page 4, lines 2 and 3, in all embodiments of the invention, care is taken to avoid attenuation of the input light that would occur if the light passed through the phase control element before reaching the semiconductor optical amplifiers. Although in some of Nojima's embodiments that advantage may be achieved, the manner of achieving that advantage is different in Nojima and in the structures described by the amended claims. Accordingly, upon reconsideration, the rejection for anticipation based upon Nojima should be withdrawn.

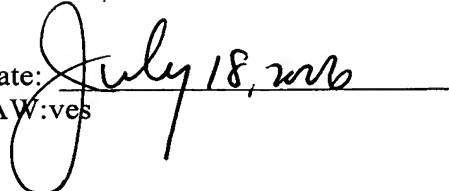
Claims 1-4 were rejected as anticipated by Sigogne et al. (U.S. Patent 6,169,824 hereinafter Sigogne). This rejection is respectfully traversed as to the claims now presented.

In relying upon Sigogne, the Examiner directed attention to Figure 6 of that patent. Again, while the application of Sigogne to the examined claims is understood, Sigogne cannot anticipate any claim now pending for substantially the same reasons Nojima cannot anticipate any pending claim. Sigogne lacks, for example, four ports and four optical splitters and the arrangement of one or two phase control elements between one or two pairs of the splitters as in the apparatus defined by the amended claims.

Upon reconsideration, allowance of all pending claims is earnestly solicited.

Respectfully submitted,


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